
COMMONWEALTH OF VIRGINIA



OFFICE OF THE GOVERNOR

Executive Order 91 (2005)

PRESERVING WATER QUALITY BY ESTABLISHING RIPARIAN BUFFERS IN THE CHESAPEAKE BAY WATERSHED

Stewardship of rivers and streams is essential to meeting the goals of restoring water quality throughout the Commonwealth. Riparian buffers - areas of trees, shrubs, or other vegetation adjacent to streams - play a significant role in conserving living resources and protecting water quality by filtering runoff, removing excess nutrients and sediments, protecting the shoreline from erosion, moderating flood damage, and providing food and habitat for living plant and animal species.

Recognizing these environmental benefits, the Chesapeake Bay Executive Council adopted several goals and policy recommendations in 1996 to enhance riparian stewardship. Specifically, those goals called for conserving existing riparian buffers and restoring 2,010 miles of new riparian forest buffers within the Chesapeake Bay watershed by the year 2010. The Commonwealth's commitment was to restore 610 miles of new riparian forest buffers within Virginia's portion of the Chesapeake Bay watershed. During 2002, Virginia met the 610-mile goal nearly eight years early, a tribute to effective collaborative efforts, targeted and substantial landowner cost-sharing, and strong stakeholder commitment.

The most recent Chesapeake Bay Agreement, Chesapeake 2000, called for a new riparian buffer goal to be developed by September 2003. The Forestry Work Group of the Chesapeake Bay Program, under direction from the Chesapeake Bay Nutrient Subcommittee, crafted a new goal for establishing riparian forest buffers. Public meetings were held across the Commonwealth's portion of the Bay watershed to gather diverse views. A new Bay-wide cumulative goal of at least 10,000 miles by 2010 was established, with Virginia's portion amounting to 3,200 additional miles. The Tributary

Strategy Process occurring in the Bay states will increase this buffer implementation goal.

The riparian buffer goal and a series of other actions related to the establishment, maintenance, and conservation of riparian buffers and urban trees are contained in Chesapeake Executive Council Directive 03-01, adopted on December 17, 2003.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.1-39 and 2.1-41.1 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish an initiative to accomplish the goals of Chesapeake Bay Program Directive 03-01 and the revised Virginia Riparian Buffer Implementation Plan (hereinafter called the Implementation Plan) to restore and conserve riparian buffers along streams and rivers in the Commonwealth.

Virginia Riparian Working Group

I hereby continue the Virginia Riparian Working Group (hereinafter called the Working Group) that was originally established pursuant to Executive Order 48 (99) to encourage voluntary establishment or restoration of riparian buffers by private landowners throughout the Commonwealth generally and within the Commonwealth's portion of the Chesapeake Bay watershed specifically.

A. Composition of the Working Group

The Working Group shall operate under the direction of the Secretary of Natural Resources in consultation with the Secretary of Agriculture and Forestry, the Secretary of Transportation, and the Secretary of Commerce and Trade. The State Forester shall serve as Chair of the Working Group. The Chair shall set meetings and direct the activities of the Group.

The Working Group shall consist of staff from the following agencies and institutions:

- Department of Conservation and Recreation
- Department of Environmental Quality
- Department of Forestry
- Chesapeake Bay Local Assistance Department
- Department of Agriculture and Consumer Services
- Department of Game and Inland Fisheries
- Virginia Institute of Marine Science
- Marine Resources Commission
- Department of General Services
- Department of Corrections

Virginia Department of Transportation
School of Agriculture, Science and Technology at Virginia State University
College of Forestry and Wildlife at Virginia Polytechnic Institute and State
University
Virginia Commonwealth University
Virginia Outdoors Foundation

In response to letters from the State Forester requesting staff representation on the Working Group, the heads of these Commonwealth's agencies and institutions listed above shall appoint members of their respective staffs to serve on the Working Group.

In addition, staff from the following agencies and institutions may be invited by the State Forester to participate.

Virginia Association of Soil and Water Conservation Districts
Chesapeake Bay Commission
U.S. Army Corps of Engineers
U.S. Department of Agriculture's Natural Resources Conservation Service
U.S. Forest Service
U.S. Fish and Wildlife Service
U.S. Geological Survey
Virginia Cooperative Extension at Virginia Tech and Virginia State University
Chesapeake Bay Program of the United States Environmental Protection Agency

The Secretary of Natural Resources or the State Forester may invite any non-government organization working in riparian restoration and protection to participate in the Working Group.

B. Duties of the Working Group

The Working Group shall:

1. Promote and facilitate the voluntary establishment or restoration of riparian buffers by private landowners throughout the Commonwealth;
2. Coordinate implementation of the actions recommended in the revised Implementation Plan to establish or restore riparian buffers throughout the Commonwealth and to establish and restore at least an additional 3200 miles of riparian forest buffers within the Commonwealth's portion of the Chesapeake Bay watershed by 2010;
3. Establish calendar date checkpoints in the Implementation Plan to review progress towards these goals and report on their progress;

4. Provide the Secretary of Natural Resources with an estimate of the costs and opportunities for funding the restoration or establishment of riparian buffers;
5. Integrate the initiatives of private landowners with those of state agencies and institutions of higher education to create a unified improvement plan for riparian buffers along significant, environmentally threatened or degraded rivers and streams;
6. Review existing applicable laws regarding riparian protection and make recommendations for strengthening and/or revising;
7. Coordinate and promote riparian research efforts to increase planted buffer survival, increase knowledge of nutrient uptake, and investigate buffer impacts on in-stream water quality; and
8. Update and keep the Implementation Plan current as necessary, and recommend changes to the Implementation Plan to the Secretary of Natural Resources.

The Working Group shall report to me yearly by November 1 through the Secretary regarding the Commonwealth's progress statewide and, in particular, the progress toward meeting its commitment to restore or establish at least 3200 additional miles of riparian forest buffers within the Commonwealth's portion of the Chesapeake Bay watershed.

Responsibility of State Agencies Owning Land

State agencies owning, leasing, and/or managing state lands for the public good have the responsibility to be good stewards of that land. As a part of good land stewardship, the health and management of riparian areas is critical to ecosystem function and health. I hereby call on all land-holding state agencies, including public institutions of higher education, to demonstrate leadership in this initiative by working to conserve existing riparian buffers and develop new riparian buffers on state-owned property throughout the Commonwealth, particularly in the Chesapeake Bay watershed.

Specifically, I hereby direct all land-holding state agencies and institutions of higher education to participate in the restoration of riparian buffers by taking the following steps:

1. Identify on the land owned by the agency or institutions those significant or environmentally sensitive stream miles suitable for restoration or establishment of riparian buffers;

2. Develop measurable indicators for riparian buffer conservation, restoration, and establishment, consistent with the revised Implementation Plan and site-specific conditions, in an agency-specific plan;
3. Coordinate each respective agency plan with the state's ongoing Tributary Strategy development process;
4. Establish or restore riparian buffers to the extent possible on state lands by July 15, 2010; and
5. Create a funding line item in your respective agency budget to meet the stated goals of this Executive Order.

The State Forester shall provide technical assistance, within the extent of resources available, to the various land-holding state agencies and institutions that have identified stream miles available for restoration or establishment.

Upon request from the State Forester and with approval from the Secretary of Public Safety, the Department of Corrections shall provide labor for the planting and construction of those riparian buffers on state-held lands.

This Executive Order rescinds and replaces Executive Order 48 (1999), "Preserving Water Quality in the Chesapeake through Establishment of Riparian Buffers along Streams throughout the Commonwealth," issued by Governor James S. Gilmore, III, on June 28, 1999.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until December 31, 2010, unless amended or rescinded by further Executive Order.

Given under my hand and under the seal of the Commonwealth of Virginia on this 14th day of July 2005.

Mark R. Warner, Governor

Attest:

Secretary of the Commonwealth